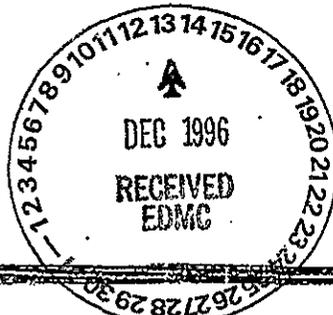




Tri-Party Agreement



0046037

November 18, 1996

INTER-AGENCY MANAGEMENT INTEGRATION TEAM  
-RESOLUTION OF DISPUTE-

Hanford Federal Facility Agreement and Consent Order

Negotiation of Commitments for the Completion of Transition at Hanford's K East and K West Basins

On August 16, 1996, the U. S. Department of Energy (USDOE), the U. S. Environmental Protection Agency (EPA), and the Washington Department of Ecology (Ecology), hereinafter the Parties, approved their Agreement In Principle (AIP) to conduct negotiations for the purpose of establishing Hanford Federal Facility Agreement and Consent Order (Agreement) milestones governing cleanup at Hanford's K East and K West basins. Milestones to be established are to be sufficient to drive the removal of basin fuels, sludge and debris, and contaminated waters, and the completion of basin transition.

The Parties' AIP called for completion of these negotiations no later than November 1, 1996. As of November 2, 1996, negotiations had not been completed, and under the terms of the Parties' AIP, the Agreement Dispute Resolution process was automatically invoked at the "IAMIT" level pursuant to Article VIII. Since that time our staffs have worked with one another in order to develop an equitable resolution to this dispute. USDOE, EPA, and Ecology have subsequently agreed to temporarily suspend active negotiations. These negotiations will resume in accordance with the Parties' August 6, 1996 AIP on January 14, 1997. Negotiations will resume utilizing USDOE's October 25, 1996 draft change request (M-34-96-03) as a starting point, and will be completed no later than March 14, 1997.

In recognition of these commitments USDOE, EPA, and Ecology's IAMIT representatives agree to the following additional commitments as conditions for the resolution of this dispute:

THAT AMONG ISSUES TO BE RESOLVED DURING THE PARTIES' (JANUARY 14, 1997 - MARCH 14, 1997) NEGOTIATIONS ARE THE FOLLOWING:

- Selection and Documentation of regulatory pathway(s) necessary to meet Agreement and AIP terms., and
- That should the Parties utilize a "CERCLA" removal action as a regulatory driver of K basin fuels, sludge and debris, basin water, and other basin transition activities, they will identify Engineering Evaluation/ Cost Analysis (EE/CA) scope and design elements, provided that such elements are reflective of and constrained by the Parties' negotiated milestones and agreements (See J. D. Wagoner letter of November 1, 1996).

In addition to the preceding, USDOE, EPA, and Ecology recognize that should a CERCLA removal action be undertaken, the resulting Action Memorandum will be consistent with options considered within the EE/CA, and shall give appropriate consideration to public comments received. Both EE/CA and Action Memorandum documents will be approved by USDOE, EPA, and Ecology prior to issuance.

In view of the above commitments, the members of the Parties' IAMIT agree that this dispute is resolved.

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